

FIFTH DAY.

(Friday, January 13, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Johnson.
Amsler.	Jones.
Arnold.	Kemble.
Atkinson.	Lackey.
Avis.	Laird.
Baker of Milam.	Lane.
Baker of Orange.	LeMaster.
Baldwin.	Lewis.
Barker.	Loftin.
Barrett.	Looney.
Beasley.	Lusk.
Bird.	McBride.
Blount.	McDaniel.
Bonham.	McDonald.
Bryant.	McFarlane.
Cable.	McNatt.
Carpenter	Martin.
of Matagorda.	Mathes.
Carson.	Maxwell.
Carter of Coke.	Melson.
Chitwood.	Merriman.
Coffee.	Merritt.
Collins.	Miller.
Covey.	Montgomery.
Cowen.	Moore.
Crawford.	Morgan
Culp.	of Liberty.
Davis.	Morgan
DeBerry.	of Robertson.
Dinkle.	Pate.
Dodd.	Patman.
Downs.	Patterson.
Driggers.	Perdue.
Duffey.	Pinkston.
Dunlap.	Pool.
Dunn.	Potter.
Durham.	Price.
Edwards.	Purl.
Faubion.	Quaid.
Fields.	Quinn.
Finlay.	Rice.
Frnka.	Robinson.
Fugler.	Rogers.
Gipson.	Rountree.
Green.	Rowland.
Greer.	Russell
Hardin of Erath.	of Callahan.
Harrington.	Russell of Trinity.
Henderson	Sackett.
of Marion.	Sanford.
Henderson	Satterwhite.
of McLennan.	Simpson.
Hendricks.	Smith.
Howeth.	Sparkman.
Irwin.	Stell.
Jacks.	Stevens.
Jennings.	

Stewart	Turner.
of Edwards.	Vaughan.
Stewart of Jasper.	Wallace.
Stewart of Reeves.	Wells.
Stiernberg.	Westbrook.
Storey.	Wessels.
Stroder.	Williamson.
Sweet.	Young.
Thrasher.	

Absent.

Pope.	Teer.
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Absent—Excused.

Bell.	Hughes.
Bobbitt.	Hull.
Brady.	Lamb.
Burmeister.	LeSturgeon.
Carpenter	McKean.
of Dallas.	Shearer.
Carter of Hays.	Shires.
Davenport.	Strickland.
Dielmann.	Thompson.
Hardin	Wilmans.
of Kaufman.	Wilson.
Houston.	Winfree.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Thompson for today, on motion of Mr. LeMaster.

Mr. Bell for today, on motion of Mr. Harrington.

Mr. Hughes for today, on motion of Mr. Henderson of McLennan.

Mr. Shires for today, on motion of Mr. Edwards.

Mr. Hardin of Kaufman for today, on motion of Mr. Greer.

Mr. LeSturgeon for today and Monday, on motion of Mr. Greer.

Mr. Winfree and Mr. Bobbitt, for today, on motion of Mr. Rogers.

Mr. Carpenter of Dallas for today, on motion of Mr. Irwin.

Mr. Carter of Hays, on motion of Mr. Melson.

Mr. Strickland for today, on motion of Mr. Bird.

Mr. Dielmann and Mr. Hull for today, on motion of Mr. Rogers.

Mr. Lamb for today, on motion of Mr. Russell of Trinity.

Mr. Wilson for this morning, on motion of Mr. Patterson.

The following members were granted

leaves of absence on account of sickness:

Mr. Davenport for today, on motion of Mr. Westbrook.

Mrs. Wilmans for today, on motion of Mr. Irwin.

(Mr. Satterwhite in the chair.)

RELATING TO HON. CHARLES A. CULBERSON.

Mr. Fields asked unanimous consent of the House to have the following printed in the Journal:

There was no objection offered.

Copy of a resolution unanimously adopted by State Democratic Convention at San Antonio, September 5, 1922:

"Disputing the cynical adage that republics are ungrateful, the Democrats of Texas through their representatives assembled in convention hereby express anew our faith and our pride in the personal manhood and in the public service of Charles A. Culberson. Nominated thirty-two years ago in this historic city for the office of Attorney General, he began the career that has challenged the love of his friends and the admiration of the American people. Four years as the State's chief law officer, four years as Governor and twenty-four years a Senator of the United States for Texas, at once have constituted a record without parallel among the public men of our commonwealth and made possible the exemplification of a higher idealism in American politics.

Example of Achievement.

"Great as a lawyer, Mr. Culberson left behind him as Attorney General the example of great achievements highly done, of intricate cases solved in the interest of the people, of lawsuits settled for the good and for the glory of Texas.

"Greater as a Governor, his four years in that office form a link of the State's history to which the historian of today already points as an era of constructive upbuilding and manly adherence to the loftiest conception of the debt owed the State by its highest officer.

"Four times elected to represent Texas in the Senate of the Nation, his great talents have never been idle, and he has labored with mind and heart to promote those principles of government on which America was founded

and which have made her the foremost democracy in the files of time. The record of his work, never spectacular, never selfish, is written in the memories of his countrymen and would have stamped him among the most illustrious of all the long line who have served there if he had stopped when he forced into the law the burning truth, ringing with the spirit of the Declaration of Independence, that 'Labor is not a commodity.' Always in the front rank of Senators, he captained them all by his leadership during the trying period of the war, and no American loaned more to the cause of the race and none did more to make Woodrow Wilson the political idol of the world than he.

"His old friends who have never deserted him, all those others who have been fascinated by his career and every thinking Texan realize all these things the more keenly as the time for Mr. Culberson's retirement from office draws nearer. They and all other Americans know that his life is an inspiration to his fellows and his service a model fit to follow by all those who would win and deserve to win the respect of their kind.

Rich in Respect.

"Thirty-two years in office, most of that long while spent in the fiercer light that beats on a throne, leaves him broken in health but rich in his own respect and richer in the confidence of Texans. Not even slander ever touched him, and he comes out of his long tenure of high office with escutcheon untarnished and stainless as a good woman's name. Trustee of great trusts that were never violated, jealous guardian of his own virtue and that of the people who commissioned him, it is fitting that this convention of his fellow Democrats should send him this assurance of their devotion and their rightful joy in the simple truth that they have honored themselves in honoring him.

"Therefore, be it

"Resolved, That the chairman and secretary of this great gathering be instructed to forward to Charles A. Culberson at Washington a copy of this resolution along with the sincere hope and prayer of all of us that his remaining years may be as filled with peace as all his years since manhood have been filled with duties ably done and with a consecration to the public weal that will remain a heritage to his family and to all Texas."

On motion of Mr. Quinn, the above resolution was adopted by the House.

OPINION OF ATTORNEY GENERAL.

On motion of Mr. Baldwin, the following opinion of the Attorney General, relating to the House voting machine, was ordered printed in the Journal:

There is no constitutional inhibition against using the electric voting machine now installed in the House of Representatives to take and record the vote of the members of the House except in elections by the Senate and House of Representatives, jointly or separately (other than election of their officers), which must be by viva voce.

Attorney General's Office,
Austin, Texas, January 12, 1923.

Honorable R. E. Seagler, Speaker of
the House of Representatives, Cap-
itol.

Dear Sir: We have your inquiry of
the 10th inst. reading as follows:

"The question has arisen as to whether or not the Legislature can legally transact business by the use of the electric voting machine which has been recently installed.

"We will thank you very much if you will render an opinion on that question for the information and guidance of the House in its deliberations, and will furnish the same to us at your earliest convenience."

According to our information, the method of voting by the electric voting machine mentioned by you may be described briefly as follows:

Each member, by pressing a button on his desk, may make a record of his vote, either "yes," "no" or "present and not voting." When the member presses the button it records his vote on a large board in front of all the members, showing the names of all the members of the House and showing instantly how each member voted. Then by a photographic process a record is made on a sheet of paper, being a reproduction of the face of the board and showing how each member voted on the proposition before the House. It is our understanding also that it will show the total vote, pro and con, etc. Then the yeas and nays are entered upon the journal in the usual way.

There can be no doubt that either branch of the Legislature may choose its own method of voting and expressing its will unless there is some con-

stitutional restriction or direction as to the mode of casting the votes of its members. As to the enactment of laws, we find the rule stated in 25 R. C. L., page 881, as follows:

"Independently of constitutional requirements, the rule is that a law may be enacted by the voting of a majority of the legislative body taken in such manner as may be adopted; but in many, if not most, jurisdictions the method is governed by constitutional provisions."

The only directions or restrictions we find in our Constitution as to the method of voting in the two branches of the Legislature are the following:

Section 12 of Article 3 provides as follows:

"Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journal."

Section 32 of Article 3 is in the following language:

"No bill shall have the force of a law until it has been read on three several days in each house and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals."

Section 39 of Article 3 is as follows:

"No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays and entered upon the journals."

Section 41 of Article 3 provides a specific method of voting, as follows:

"In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers."

Another provision is to be found in Section 8 of Article 15 in reference to the removal of Judges of the Supreme Courts, Courts of Appeal and District

Courts. This section provides in part that

"And in all such cases the vote shall be taken by yeas and nays and entered on the journals of each, respectively."

It will thus be seen that the only direction the Constitution contains as to the method of taking the vote of the members of the House is that (1) in certain instances there must be a yea and nay vote to be entered upon the journal; (2) that in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

You are respectfully advised that in our opinion the Constitution would not be complied with by voting with this machine where the Constitution requires a viva voce vote. A vote viva voce has been defined as follows:

"The term 'viva voce' when applied to elections is used in opposition or contradiction to the ballot, and simply means that the voter shall declare himself 'by voice instead of by ballot.' (Words and Phrases, Second Series, Vol. 4, page 1190.)

It is clear that the machine method of casting the vote of the House would not be in compliance with the Constitution in elections by the Senate and House of Representatives, jointly or separately, except in the election of their officers. In such cases the member must cast his vote by speaking it with the "living voice."

In all other instances we find no constitutional inhibition against the use of this voting machine. The use of this machine for the taking of the yeas and nays is just as effective as verbally calling the name of each member and allowing him to answer "yes" or "no"; and, of course, under this method the vote is entered upon the journal in compliance with the Constitution.

This view, we think, is consistent with the intent and purpose of the framers of the Constitution in requiring a yea and nay vote to be entered upon the journals. In speaking of such a provision, Mr. Cooley, in his work on Constitutional Limitations at page 201, Seventh Edition, says:

"Such a provision is designed to serve an important purpose in compelling each member present to assume as well as to feel his due share of responsibility in legislation and also in furnishing definite and conclusive evidence whether

the bill has been passed by the requisite majority or not."

The method of voting now under consideration discloses to all how each member voted, and certainly makes and preserves an authentic record of the number of votes pro and con upon a given proposition. Then when the yea and nay vote is entered on the journals the Constitution is complied with in directing that a yea and nay vote shall be taken in certain instances and entered on the journals.

In making the above statement we are assuming, of course, that the machine will effectively accomplish the purpose for which it is designed.

In addition to what we have said there is another circumstance in favor of our view, and that is that the fact that in a particular instance a viva voce vote is required furnishes a strong intimation that in all other instances such a method is not necessary.

You are therefore respectfully advised that in the opinion of this department there is no constitutional inhibition against using the electric voting machine now installed in the House of Representatives to take and record the vote of the members of the House except in elections by the Senate and House of Representatives, jointly or separately (other than election of their officers), which must be by viva voce vote.

We have made careful search, and assume we have found all the provisions of our Constitution on this subject; if not, of course, the rules announced can be applied to all similar provisions that we may have overlooked.

Yours very truly,

L. C. SUTTON,

Assistant Attorney General.

This opinion has been considered in conference, approved and is now ordered recorded.

W. A. KEELING,

Attorney General.

INVITATION TO AMERICAN LEGION BAND.

Mr. Satterwhite offered the following resolution:

Whereas, The House invitation to the 142nd Infantry Band, of Brownwood, has accepted the invitation to visit Austin and participate in the inaugural ceremonies next Tuesday and will arrive in Austin Monday afternoon; therefore, be it

Resolved, That the Hall of the House be tendered the band for an open concert to the public on Monday evening instead of Tuesday evening, as heretofore provided by resolution.

The resolution was read second time and was adopted.

RELATING TO PROPOSED LEGISLATION.

Mr. Moore offered the following resolution:

Whereas, The House of Representatives of the Thirty-eighth Legislature of Texas is now organized for work; and

Whereas, We recognize the fact that we are assembled as servants of the people, and at great expense, with a solemn duty to perform rather than a convention of private citizens assembled to discuss our personal whims and fancies; and

Whereas, This Legislature is confronted with one of the most far-reaching and forwarding-looking programs of constructive legislation and development ever presented in the history of Texas; and

Whereas, We realize the imperative need of devoting our attention and energies to strict and earnest endeavor in solving the many important questions calculated to improve the social, moral, commercial, industrial, agricultural, economic and financial welfare of the whole people of this great State; therefore, be it

Resolved, That we, the members of the House of Representatives of the Thirty-eighth Legislature of Texas, here and now pledge ourselves to a devotion to duty to the end that strife, factionalism and petty differences of whatever nature may not retard the work we were elected to perform; that we will seek every honorable means at our command to suppress the injection of any and all questions that tend to divide the Legislature and obstruct the constructive work we are sworn to perform.

Signed—Moore, Carpenter of Dallas. Irwin, Henderson of Marion, Melson, Wallace, Beasley, Dinkle, Arnold, Quinn.

The resolution was read second time.

Mr. Fugler offered the following amendment to the resolution:

Amend by adding after the word "perform" in the last sentence, the following: "Providing, however, that this resolution shall not be considered binding in any way upon any member

who deems it for the best interest of his State, and his duty to his people to introduce any kind of legislation regardless of the effect it will have on members of the House or Legislature, nor will it be binding upon members so as to prevent them from voting their convictions."

Mr. Moore moved to postpone further consideration of the resolution until 10 o'clock a. m. next Monday.

Mr. Fields moved to refer the resolution to Committee on State Affairs.

Question first recurring on the motion to postpone, it prevailed.

MESSAGE FROM THE GOVERNOR.

Mr. R. B. Walthall, Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,
Austin, Texas, January 13, 1923.

To the Members of the Thirty-eighth Legislature:

At Old Washington, on the banks of the Brazos, daring pioneers drafted and promulgated the first Constitution for the people of Texas. This brave band of fifty-six delegates on that far-off March day, 1836, wearing Indian shawls, blankets and buckskins, gathered in a crude, one-room store building, without ceiling, without windows, without doors, to give birth to and to write the Constitution of a New Republic. How enduring these Anglo-Saxon patriots and pioneers, who, with axe and spade and rifle in hand, had threaded the wilderness of Texas and erected their rude huts on her sunlit plains, built for mankind, the world well knows. The Constitution they formulated, the verdict of history pronounces a model of its kind. It blazed new trails. It was the first document in the world to abolish imprisonment for debt. It gave to mankind the Homestead Law, a policy and principle that early became a pattern for every State in the American Union. It was the first written document known to civilization that recognized woman as a legal entity, with equal property rights with man, thus setting an example that finds happy fruitage in the newer and greater freedom of the woman of today. Great as was the work of the great men of that great day, their handiwork would

not meet the changed conditions and pressing demands of this generation.

Constitution of 1845.

Civilization in this State moved on, and our people, adjusting themselves to changed conditions, wrote another Constitution in 1845. In the convention for drafting it we see the noble figure of Thomas J. Ruak presiding over its deliberations; the Constitution for a new State is drafted; the people gather at the ballot box and ratify it; Texas, the Republic, voluntarily surrenders her independence, and Texas, the sovereign State, was born and the twenty-eighth star glorified the proud folds of the American Flag.

Three Other Constitutions.

In the sweep and swing of the shifting events of peace and war the people of our State adopted a new Constitution in 1866, to be quickly succeeded by another in 1869. "The thoughts of men widen with the process of suns," and Texas history chronicled the story of the Constitution of 1876, and under this Constitution her people have since been living. For the eighty distinguished delegates who wrote that Constitution we have no word of criticism, but only words of praise. On the scroll of fame as the signers of that document appears the name of John H. Reagan, who for fifty years gave his best to his country; John H. Brown, who made for this commonwealth undying history; Edward Burleson, a name linked forever with Texas annals; John L. Henry, who later adorned the Supreme bench of Texas; Kilgore and Moore, whose voices rang in the halls of our national Congress; Thomas Nugent, whose heartbeat was ever for the rank and file of men; William Crawford, who stood as a legal giant among Texas lawyers; L. S. Ross, gallant soldier and splendid Governor of Texas. These and all their illustrious comrades, save two, have answered the final roll call. These two aged and honored representatives of that memorable gathering stand as a connecting link between that glorious past and a still more glorious future.

A New Constitution.

With this brief backward look into the constitutional life of Texas since the days of the Republic, I recommend that the Thirty-eighth Legislature give at this time serious consideration to the practical question as to whether it is

wise for the people of Texas, in this progressive age and rapidly developing State, to continue doing business under the limitations and inhibitions of a Constitution written nearly fifty years ago. Is it not reasonable to suppose that Texas has outgrown her swaddling clothes of a half century ago? The Democratic Convention, at its meeting in San Antonio last September, answered this question in the following language: "We favor a convention for the writing of a new Constitution for the State of Texas."

Times Change and Constitutions Must Change With Them.

As new truths are disclosed, as new discoveries are made, as new inventions are put forth, as civilization advances, the fundamental policies of the government must change to keep pace with the progress of the day. Statesmen of no generation, however wise, can interpret life and write a constitution for a progressive people fifty years in advance of that day. "Every constitution," wrote Thomas Jefferson, "naturally expires at the end of twenty years, and if it be enforced longer, it is an act of force, and not of right."

Constitutions.

The making of a constitution is but legislation by the people. Constitutions are not conferred by kings, emperors or an autocratic few. The people alone have the right to ratify and adopt constitutions. Constitutions are but the collective will of the great body of citizenship. They are the highest expression of modern, progressive democracy. The making of written constitutions originated among our people on this continent. Our example has traveled around the world. It is America's greatest contribution to political science.

An Inalienable Right.

The people have the inalienable right, from time to time, to pass on the fundamentals of their government. While our Constitution is silent as to this, the Constitutions of many States require a constitutional convention at regular specified intervals. New Hampshire requires a new convention every seven years; Iowa every ten years; Michigan every sixteen years; Maryland, Ohio, Oklahoma and New York once in every twenty years. These are old States. Texas is a new country,

larger than all these States combined, rapidly developing with different and diversified interests, and yet the people of Texas have had no opportunity to pass on the fundamentals of their government for nearly half a century.

Other States Have New Constitutions.

A large majority of the States have adopted new constitutions since we wrote ours in 1876. Our neighboring States, Louisiana, Oklahoma and New Mexico, have constitutions in keeping with modern civilization. Virginia, South Carolina, Michigan, New York and other States have written new constitutions long since we adopted ours.

Constitutional Amendments.

For forty years conservative thinkers have registered their dissatisfaction with our present Constitution. Richard Coke, while Governor, declared it was a hindrance to our growth. Business men have found in its limitations, barriers to our material development. During all these years into every Legislature has been poured, as into a hopper, suggested constitutional amendments. Every Legislature, except two, for forty-two years has submitted to the people constitutional amendments varying from one to thirteen, aggregating in all ninety-one amendments. Thirty-eight of this number were accepted. This was patchwork. The increased demand for change in our constitutional thoushantots is evidenced by the ever-increasing number of amendments each year introduced. Three years ago the Legislature submitted thirteen amendments, only three of which were ratified by the voters. The voters of Texas have spent about half a million dollars holding elections to pass on constitutional amendments. At some of the elections not more than ten per cent of the voters cast their ballots. It is difficult to get the people to take an interest in the patchwork constitutional making. When these constitutional amendments are submitted the people do not know their relation to the other parts of the Constitution, and, there being no information at hand concerning same, vote against them. Let big, brave, busy men rewrite the entire fundamental law of the State and give the people an opportunity to pass their judgment on it as a whole. If the convention does not write a good Constitution, the people will not ratify it. You can't fool the people about a big proposition.

Texas Progress Hobbled and Hamstrung.

We need a new constitution in order that we may gridiron Texas with good roads. The biggest question of this hour is the question of transportation. The building and maintenance of enduring highways constitute the only solution to this vexing question. Constitutional stumbling-blocks now seriously hamper the construction in Texas of road building in a big, broad, enduring way.

Our entire judiciary, civil and criminal, mapped out a half century ago to meet a condition when we had little litigation, is now tardy, cumbersome, expensive and inefficient. Learned attorneys declare that no efficient change can be made in the work of our courts under the provisions of our present Constitution. In an effort to improve our courts, seven amendments have been submitted, of which two were adopted, the last being adopted more than thirty years ago.

We need a new constitution in order to perfect our educational system. When the present Constitution was written Texas was spending annually less than half a million dollars, while last year this State spent for this purpose over twenty-four million dollars. The year the Constitution was adopted we had in our public schools only one hundred and sixty thousand students, while now a million and three hundred thousand boys and girls answer to the roll call of the school house. At that time we had no University of Texas, no A. & M. College, no State normals, no College of Industrial Arts, with twenty thousand students thronging their halls. No set of men in 1876 could possibly have written a constitution forecasting and providing for in the best and most efficient manner this vast and varied educational growth. While we are feeding this educational child expensive food it is not growing as fast or becoming as strong as it ought to on account of a fossilized constitution that has been hung around its neck. In a vain effort to better our educational life, thirteen worthy amendments have, during recent years, been submitted, of which but seven were adopted.

In the preservation of our flood waters, in the irrigation of our arid lands, in the protection of our overflow lands, in the preservation of our natural resources, in the handling of our public

utilities, in the building of factories, the State, as in the matter of road building, jurisprudence and education, is hobbled and hamstrung by the limitation, inhibition and prohibition of a constitution written by sound statesmen, fifty years ago, who could not then have anticipated this mighty, complex, complicated civilization of ours. Their imagination could not have pictured the many problems that now knock for solution at the door of legislative consideration. In short, the big, husky boy of 1923 is now and will be in the years to come cramped in his youthful suit of 1876. I recommend a constitutional convention to write, in the light and learning of this generation, a new constitution for Texas. If it is good when written, the people will go to the polls and adopt it; if bad, the people will reject it. The discussion of its adoption will be educational and will bring the people in closer touch with their government.

When our present Constitution was written we had one lunatic asylum, with a hundred or so inmates in it; now we have five asylums, with more than seven thousand inmates. At that time we had no institutions for the feeble-minded, no epileptic colony, no tubercular sanatorium, no Confederate homes, no varied eleemosynary institutions, all filled with wards of the public, maintained and cared for last year at an expenditure of over two million dollars. This recital of the growth of eleemosynary institutions for the care and maintenance of the unfortunates of the State is but suggestive of the growth of the entire machinery of the Government, which cannot now be made to fit into the provisions of the constitution written when these numerous institutions and departments of government were unknown.

The Times and Circumstances in Texas in 1875 and 1923.

It seems to be agreed by all that Texas should have a new constitution, but those who are opposed to the re-writing of this document say that the times and circumstances just now in Texas are such that it will not be safe to have a constitutional convention.

It should be remembered that the present Constitution was written in 1875, just at the close of the period of reconstruction, and that there was at that time and had been for years a feeling of distrust and bitterness in the

State. The State government was in the hands of the Federal military authorities, or of the negroes and carpet-baggers. During the preceding year rival military forces actually occupied the different floors of the State Capitol and armed and bloody rebellion was threatened as the lion-hearted Coke wrenched the government from the hands of E. J. Davis. The people's money had been by Legislatures openly squandered, and the people were not only distrustful of their government, but uncertain as to what the future held in store for them as a State and as a Nation. If, during these perilous times and under these troublesome circumstances, a selected delegation could write a constitution that would be good for fifty years, it does not seem hardly fair to say that the citizenship of Texas today could not and would not select representatives to a constitutional convention who would be patriotic and intelligent enough to write a constitution in keeping with the advanced civilization of this day and generation. If either the Legislature or the people should today call a constitutional convention there is no man in the State too big to be a member of it, and I daresay there is no man so busy that he would not gladly serve if asked to do so by his neighbors and friends. To say that the people of Texas are not capable of and that they would not elect to form a constitutional convention of both capable and honest men is indeed a sad commentary on both the intelligence and patriotism of our people.

The Voice of Jacob But the Hand of Esau.

It goes without argument that there is a considerable number of people who do not believe that now is an opportune time to rewrite our Constitution, but, generally speaking, those who pretend to see danger in the rewriting of our Constitution are speaking in behalf of the corporate interests of the State, who have not been, under the old Constitution, paying the government proper tax for the franchise privileges granted to them. The time has come when privileges should support the government, as well as property. Those who wrote the Constitution fifty years ago could not forecast the day in this State, and they did not attempt to do so, when privileges and franchises would be worth more than the lands of Texas. Those who are enjoying these privileges

and corporate rights of the State are not now bearing their just proportion of the burdens of government. Laws that have been passed during recent years seeking to lighten the burdens on the lands and home-builders of Texas and place it equally on intangible and invisible wealth have been generally declared unconstitutional. These same interests now come, and in a strange voice warn the people that if a new constitution is written, that additional burdens will be placed on the taxpayers of the State. In this honest effort to rewrite the fundamental laws of Texas in order that taxes may be equalized rather than raised, the citizenship of this State should not be misled by the voice of Jacob and the hand of Esau.

Good Laws Unconstitutional.

For some years it has been a saying in Texas that all of our good laws are unconstitutional. This, indeed, is no reflection upon those who wrote the present Constitution. They had no intangible property and no invisible assets to consider; they had no lumber industries or reforestation problems to solve; they had no mining interests and no deep water ports to discuss; they had, because we were in the main a rural population, no city or public utility questions to answer; they had no irrigation or riparian rights to demand their consideration; they had no strike, no boycott, no lockout, no capital or labor problems to vex them; they had no industrial institutions or minimum wage laws to consider. The economic and industrial world has been made over during the past fifty years, and with this growth the science and service of government and governmental questions have taken on a new meaning and must be solved in the light of the present day.

This Is Another Age of Civilization.

What mighty changes have been wrought in this State, on this continent and around the world in the last half hundred years! The writers of our present Constitution lived in a world far different from the world of today. Only by inspiration could they have foretold and provided in their constitution for the big problems of this big, new day. All those who wrote it, except two, are no more. The youngest man who voted for it has now reached life's allotted span. Texas then had a population of only eight hundred thou-

sand inhabitants. Now we have five million. All West Texas, now rapidly becoming the center of wealth and population, was so sparsely settled at that time that not even one delegate from that vast territory was sent to the convention that wrote the Constitution under which West Texas now lives. At that time there was not a town in the State with a population exceeding fifteen thousand; now we have cities with more than two hundred thousand inhabitants. At that time there was not an oil well in Texas; now we are producing and have been for some time ten million barrels of oil per month, most of it going out of the State without paying proper tribute to the government on account of technical provisions of our present Constitution. At that time we did not have a mile of improved highway in Texas; now the transportation problems demand good highways, and Texas is seriously handicapped in building and maintaining good roads on account of the inhibitions of a fifty-year-old Constitution. Taxes will never be either equalized or reduced under our present Constitution. "All our good laws," it has been said, "are unconstitutional."

These pioneer constitutional builders were so circumstanced that the coming events of this day could not cast their shadows before them. Who can visualize Texas fifty years from now? The men who wrote our Constitution never rode across Texas in a Pullman car or studied beneath an electric light; they never talked over a telephone or listened to a phonograph; they never used a typewriter or had their bank account balanced with an adding machine; they never rode in an automobile, an electric street car or dreamed of an interurban. They knew that man could not make a flying machine, and they would have been turned out of church for heresy had they believed in wireless messages or contended that ice could be made in August. We are living in another age. This is another generation, and Texas has a higher and broader vision than she could possibly have had a half century ago. With Galileo we can still say, "the world do move." Texas must keep pace with it. We stand with uncovered head in the presence of the matchless and marvelous achievements of science, of art, of discovery and advancements made in every line in the wide field of knowledge. Have we made in fifty years no progress in the science

of government? Are we standing with our backs to the future, worshipping at deserted shrines? Let us with conviction and confidence and courage face the future. Let us unshackle Texas. Let us with eyes uplifted and with buoyant hope sing with Lowell:

"New occasions teach new duties;
Time makes ancient good uncouth;
They must upward still, and onward,
Who would keep abreast of truth!"

Respectfully submitted,
PAT M. NEFF,
Governor.

RELATING TO FREE TEXT BOOKS.

Mr. Laird offered the following resolution:

H. C. R. No. 4, Providing for an investigation of the recent contracts let by the Texas State Text Book Commission, providing how such investigation shall be conducted, and providing how the result of such investigation shall be used.

Whereas, The financial condition of the school system of Texas is in a deplorable condition, many schools having been forced to close at the end of the four months' term;

Whereas, Such condition is likely to be repeated again during the next fiscal year;

Whereas, In the face of such condition, the Texas State Text Book Commission recently let contracts for new text books aggregating in amount the sum of approximately one million, eight hundred thousand dollars; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Education Committee of the House of Representatives and the Education Committee of the Senate shall each select a subcommittee composed of five members of the House Education Committee and three members of the Senate Education Committee who shall jointly conduct an investigation of the acts of said Text Book Commission in letting such contracts to determine if such contracts were justified.

Providing further, that if it is found that anything influenced the letting of such contracts that would invalidate said contracts, that such committee shall secure information from the Attorney General's Department as to the best method by which such contracts

may be cancelled, and thereby save the State of Texas this large sum of money if such investigation shall disclose that such contracts were not justified.

Providing further, that such joint committee shall be empowered with full authority to conduct such investigation by securing the services of clerical help and the assistance of sergeants-at-arms of each house in the services of summons or other writ.

Providing that all necessary expenses of such investigation shall be paid out of the contingent expense fund of the House of Representatives and the Senate upon the presentation of warrants signed by the proper authorities.

Providing further, that such committee shall have such legal authority as granted to investigation committees by the laws of Texas.

The resolution was read second time.

Mr. Lackey moved that further consideration of the resolution be postponed until 10 o'clock a. m. next Monday.

The motion prevailed.

HOUSE BILL NO. 21 ON ENGROSSMENT.

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 21, A bill to be entitled "An Act to amend Section 2 of Chapter 57 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-first Legislature, 1909, by substituting therefor a new section; providing for the appointment of a clerk of the Court of Criminal Appeals; fixing his salary and defining his powers and duties; abolishing the salary of deputy clerk; repealing all laws in conflict herewith, and declaring an emergency."

With amendment by Mr. Loftin pending.

Mr. Abney offered the following amendment to the amendment:

Amend amendment to House bill No. 21 by striking out "\$3000" and inserting in lieu thereof "\$2500."

Mr. Purl moved to recommit the bill for further consideration.

(Speaker in the chair.)

Mr. Miller moved the previous question on the bill, the pending amendments and the motion to recommit, and the main question was ordered.

Question first recurring on the motion to recommit, it was lost.

Question then recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was lost by the following vote:

Yeas—50.

Abney.	Lane.
Arnold.	LeMaster.
Barker.	Looney.
Bonham.	Lusk.
Bryant.	McBride.
Cable.	McDaniel.
Carpenter	McDonald.
of Matagorda.	McFarlane.
Collins.	Martin.
Covey.	Moore.
Cowen.	Perdue.
Crawford.	Quinn.
Culp.	Rowland.
Davis.	Russell
Dodd.	of Callahan.
Driggers.	Russell of Trinity.
Duffey.	Stell.
Faubion.	Stevens.
Greer.	Stewart of Jasper.
Hardin of Erath.	Storey.
Harris.	Stroder.
Henderson	Sweet.
of McLennan.	Vaughan.
Howeth.	Wallace.
Irwin.	Westbrook.
Laird.	Wessels.

Nays—65.

Amsler.	Jennings.
Atkinson.	Jones.
Avis.	Kemble.
Baker of Milam.	Lackey.
Baker of Orange.	Lewis.
Baldwin.	McNatt.
Barrett.	Mathes.
Beasley.	Maxwell.
Bird.	Merriman.
Blount.	Merritt.
Carson.	Miller.
Carter of Coke.	Montgomery.
Chitwood.	Morgan
Coffee.	of Robertson.
DeBerry.	Pate.
Dinkle.	Patman.
Downs.	Patterson.
Dunn.	Pinkston.
Durham.	Price.
Edwards.	Purl.
Fields.	Rice.
Finlay.	Robinson.
Frnka.	Rogers.
Fugler.	Sackett.
Gipson.	Sanford.
Harrington.	Satterwhite.
Henderson	Simpson.
of Marion.	Smith.
Hendricks.	Sparkman.
Jacks.	

Stewart	Turner.
of Edwards.	Wells.
Stewart of Reeves.	Williamson.
Stiernberg.	Young.
Thrasher.	

Present—Not Voting.

Melson.

Absent.

Dunlap.	Pool.
Green.	Pope.
Johnson.	Potter.
Loftin.	Quaid.
Morgan	Rountree.
of Liberty.	Teer.

Absent—Excused.

Bell.	Hughes.
Bobbitt.	Hull.
Brady.	Lamb.
Burmeister.	LeSturgeon.
Carpenter	McKean.
of Dallas.	Shearer.
Carter of Hays.	Shires.
Davenport.	Strickland.
Dielmann.	Thompson.
Hardin	Wilmans.
of Kaufman.	Wilson.
Houston.	Winfree.

Question then recurring on the amendment by Mr. Loftin, it was adopted.

House bill No. 21 was then passed to engrossment.

MOTION TO TAKE UP HOUSE BILL NO. 21.

Mr. Baker of Milam moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 21 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths vote:

Yeas—91.

Mr. Speaker.	Carson.
Abney.	Carter of Coke.
Amsler.	Chitwood.
Arnold.	Coffee.
Atkinson.	Collins.
Baker of Milam.	Covey.
Baker of Orange.	Cowen.
Baldwin.	Crawford.
Barrett.	Culp.
Beasley.	Davis.
Bird.	DeBerry.
Blount.	Dinkle.
Cable.	Driggers.
Carpenter	Duffey.
of Matagorda.	Dunlap.

Dunn.	Melson.
Durham.	Merriman.
Edwards.	Merritt.
Faubion.	Miller.
Fields.	Montgomery.
Frnka.	Morgan
Fugler.	of Liberty.
Gipson.	Pate.
Greer.	Pinkston.
Hardin of Erath.	Price.
Harrington.	Purl.
Harris.	Quinn.
Henderson	Rice.
of Marion.	Robinson.
Henderson	Rogers.
of McLennan.	Russell of Trinity.
Irwin.	Sackett.
Jacks.	Sanford.
Jennings.	Satterwhite.
Johnson.	Simpson.
Jones.	Smith.
Kemble.	Sparkman.
Lackey.	Stewart
Lane.	of Edwards.
Lewis.	Stewart of Jasper.
Loftin.	Stiernberg.
Looney.	Stroder.
Lusk.	Vaughan.
McBride.	Wells.
McDaniel.	Westbrook.
McDonald.	Wessels.
McFarlane.	Williamson.
McNatt.	Young.
Maxwell.	

Nays—25.

Avis.	Patterson.
Barker.	Potter.
Bryant.	Rowland.
Dodd.	Russell
Finlay.	of Callahan.
Hendricks.	Stell.
Howeth.	Stevens.
Laird.	Stewart of Reeves.
LeMaster.	Storey.
Mathes.	Sweet.
Moore.	Thrasher.
Morgan	Turner
of Robertson.	Wallace.
Patman.	

Absent.

Bonham.	Pool.
Downs.	Pope.
Green.	Quaid.
Martin.	Rountree.
Perdue.	Teer.

Absent—Excused.

Bell.	Davenport.
Bobbitt.	Dielmann.
Brady.	Hardin
Burmeister.	of Kaufman.
Carpenter	Houston.
of Dallas.	Hughes.
Carter of Hays.	Hull.

Lamb.	Strickland.
LeSturgeon.	Thompson.
McKean.	Wilman.
Shearer.	Wilson.
Shires.	Winfree.

COMMITTEE TO RECEIVE AMERICAN LEGION BAND.

The Speaker announced the appointment of the following committee to make arrangements for the entertainment of the 142nd Infantry Band:

Messrs. Sackett, Pate, McFarlane, Maxwell, Gipson, Greer, Irwin.

RECESS.

On motion of Mr. Quinn, the House, at 12:10 o'clock p. m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

EMPLOYEES OF THE HOUSE.

The Speaker announced the appointment of the following employees of the House:

Stenographers—Miss Wanda Barnett, Miss Maude Nowlin, Miss R. L. Matthews, Miss Nola Holman.

Pages—Hugh Lewis, Edward Hornsby, Willard Dougherty, Arnold Lawler.

Assistant to Engrossing Clerk—Miss Marguerite Williams.

Assistant to Enrolling Clerk—Miss Ruby Turpin.

Chief Operator for Voting Machine—Lawrence Ledbetter.

Assistant Operator for Voting Machine—Lloyd Basford.

(Mr. Satterwhite in the chair.)

REPORT OF COMMITTEE ON RULES.

The Speaker laid before the House, for consideration at this time, the following committee report:

Austin, Texas, January 13, 1923.

Hon. R. E. Seagler, Speaker, House of Representatives.

Sir: We, your Committee on Rules, submit the following report. We recommend the adoption of the Rules of the House of the Thirty-seventh Legislature, with the following additions and amendments:

1. That Rule 3, Section 2, be amended by striking out the words, "and shall keep the same in order," and inserting in lieu thereof the words "for the purpose of maintaining order."

2. We recommend the addition of the following rule: "Duties of the Superintendent of the Hall—He shall, under the direction of the Speaker, care for and keep in order, the Hall, committee rooms and all other rooms assigned to the use of the House during its session."

3. To Rule 8, Section 4, add the following paragraph: "No minority report shall be considered, except when signed by one-fifth of the full membership of the committee."

4. We recommend that Rule 18, Section 5, be amended by adding the following paragraph to Section 5: "After a bill has been considered and defeated by any committee of either House of the Legislature, and no minority report made, no bill containing the same substance shall be considered by the House during the same session."

5. We recommend that Sections 38 and 39 of Rule 7 be eliminated, and that the following be substituted for Section 38:

"School Districts—Eleven members with jurisdiction over all bills creating, changing or otherwise affecting school districts of the State."

RUSSELL of Callahan, Chairman.

Mr. Patman offered the following amendment to the report:

Amend report by striking out "Section 3."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—57.

Arnold.	Dunlap.
Atkinson.	Dunn.
Barker.	Finlay.
Barrett.	Frnka.
Bird.	Hardin
Blount.	of Erath.
Bryant.	Harrington.
Coffee.	Harris.
Collins.	Irwin.
Covey.	Jennings.
Cowen.	Johnson.
Crawford.	Laird.
Davis.	Lane.
DeBerry.	LeMaster.
Dodd.	Lewis.
Downs.	Loftin.
Driggers.	Looney.

Lusk.
McBride.
McDaniel.
McDonald.
Martin.
Maxwell.
Merritt.
Miller.
Patman.
Price.
Rice.
Rogers.
Rowland.

Satterwhite.
Simpson.
Stell.
Stewart
of Edwards.
Stewart of Jasper.
Stewart of Reeves.
Storey.
Turner.
Wallace.
Wells.
Wessels.

Nays—58.

Mr. Speaker.
Abney.
Amsler.
Avis.
Baker of Milam.
Baker of Orange.
Baldwin.
Beasley.
Bonham.
Cable.
Cope.
Carson.
Carter of Coke.
Chitwood.
Dinkle.
Duffey.
Durham.
Edwards.
Fields.
Fugler.
Gipson.
Greer.
Henderson
of Marion.
Henderson
of McLennan.
Howeth.
Jacks.
Jones.
Kemble.
Lackey.
McFarlane.

McNatt.
Mathes.
Melson.
Merriman.
Montgomery.
Moore.
Morgan
of Liberty.
Morgan
of Robertson.
Pate.
Patterson.
Pinkston.
Potter.
Purl.
Quinn.
Robinson.
Russell
of Callahan.
Russell of Trinity.
Sackett.
Sanford.
Smith.
Sparkman.
Stevens.
Stiernberg.
Stroder.
Sweet.
Vaughan.
Westbrook.
Williamson.
Young.

Absent.

Carpenter	Pool.
of Matagorda.	Pope.
Culp.	Quaid.
Faubion.	Rountree.
Green.	Teer.
Hendricks.	Thrasher.
Perdue.	

Absent—Excused.

Bell.	Dielmann.
Bobbitt.	Hardin
Brady.	of Kaufman.
Burmeister.	Houston.
Carpenter	Hughes.
of Dallas.	Hull.
Carter of Hays.	Lamb.
Davenport.	LeStourgeon.

McKean.
Shearer.
Shires.
Strickland.

Thompson.
Wilmans.
Wilson.
Winfree.

Mr. Stewart of Reeves offered the following amendment to the report:

Strike out "one-fifth of members of committee" and insert in lieu thereof "two members of said committee."

Mr. Patman offered the following substitute for the amendment:

Amend report by striking out "one-fifth" and insert "two members" where the committee is composed of twenty-one members and "one" member on all other committees.

Mr. Mathes moved to table the amendment and the substitute.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—57.

Mr. Speaker.	Johnson.
Amsler.	Jones.
Arnold.	Kemble.
Avis.	Lackey.
Baker of Milam.	Lane.
Baker of Orange.	LeMaster.
Baldwin.	McBride.
Beasley.	McDonald.
Bird.	McNatt.
Cable.	Mathes.
Carson.	Merriman.
Carpenter	Montgomery.
of Matagorda.	Moore.
Chitwood.	Morgan
Cowen.	of Robertson.
Dinkle.	Pate.
Downs.	Patterson.
Driggers.	Pinkston.
Duffey.	Potter.
Dunn.	Purl.
Durham.	Quinn.
Edwards.	Rogers.
Faubion.	Sackett.
Gipson.	Sanford.
Harrington.	Satterwhite.
Henderson	Smith.
of Marion.	Stevens.
Henderson	Stewart of Jasper.
of McLennan.	Stiernberg.
Jacks.	Sweet.
Jennings.	

Nays—58.

Abney.	Collins.
Atkinson.	Covey.
Barker.	Crawford.
Barrett.	Davis.
Blount.	DeBerry.
Bryant.	Dodd.
Carter of Coke.	Dunlap.
Coffee.	Fields.

Finlay.
Frnka.
Fugler.
Greer.
Hardin of Erath.
Harris.
Howeth.
Irwin.
Laird.
Lewis.
Loftin.
Looney.
McDaniel.
McFarlane.
Martin.
Maxwell.
Melson.
Merritt.
Miller.
Morgan
of Liberty.
Patman.
Perdue.

Price.
Rice.
Robinson.
Rowland.
Russell
of Callahan.
Russell of Trinity.
Simpson.
Sparkman.
Stell.
Stewart
of Edwards.
Stewart of Reeves.
Storey.
Stroder.
Turner.
Vaughan.
Wallace.
Wells.
Westbrook.
Wessels.
Williamson.
Young.

Absent.

Bonham.	Pope.
Culp.	Quaid.
Green.	Rountree.
Hendricks.	Teer.
Lusk.	Thrasher.
Pool.	

Absent—Excused.

Bell.	Hughes.
Bobbitt.	Hull.
Brady.	Lamb.
Burmeister.	LeSturgeon.
Carpenter	McKean.
of Dallas.	Shearer.
Carter of Hays.	Shires.
Davenport.	Strickland.
Dielmann.	Thompson.
Hardin	Wilmans.
of Kaufman.	Wilson.
Houston.	Winfree.

Mr. Price moved the previous question on the substitute and the amendment, and the motion was not seconded.

Question then recurring on the substitute, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—55.

Abney.	Collins.
Arnold.	Covey.
Atkinson.	Crawford.
Barker.	Davis.
Barrett.	DeBerry.
Bird.	Dodd.
Blount.	Downs.
Bryant.	Driggers.
Carter of Coke.	Dunlap.
Coffee.	Finlay.

Frnka.	Patman.
Fugler.	Perdue.
Greer.	Pinkston.
Hardin of Erath.	Rowland.
Harris.	Russell of Trinity.
Irwin.	Simpson.
Johnson.	Stell.
Laird.	Stewart
Loftin.	of Edwards.
Looney.	Stewart of Reeves.
Lusk.	Stiernberg.
McBride.	Storey.
McDaniel.	Stroder.
McFarlane.	Turner.
Martin.	Wallace.
Merritt.	Wells.
Miller.	Wessels.
Morgan	Young.
of Liberty.	

Nays—61.

Amsler.	LeMaster.
Avis.	Lewis.
Baker of Milam.	McNatt.
Baker of Orange.	Mathes.
Baldwin.	Maxwell.
Beasley.	Melson.
Cable.	Merriman.
Carpenter	Montgomery.
of Matagorda.	Moore.
Carson.	Morgan
Chitwood.	of Robertson.
Cowen.	Pate.
Culp.	Patterson.
Dinkle.	Potter.
Duffey.	Price.
Dunn.	Purl.
Durham.	Quinn.
Edwards.	Rice.
Faubion.	Robinson.
Fields.	Rogers.
Gipson.	Russell
Harrington.	of Callahan.
Henderson	Sackett.
of Marion.	Sanford.
Henderson	Satterwhite.
of McLennan.	Smith.
Hendricks.	Sparkman.
Howeth.	Stevens.
Jacks.	Stewart of Jasper.
Jennings.	Sweet.
Jones.	Vaughan.
Kemble.	Westbrook.
Lackey.	Williamson.

Absent.

Bonham.	Pope.
Green.	Quaid.
Lane.	Rountree.
McDonald.	Teer.
Pool.	Thrasher.

Absent—Excused.

Bell.	Burmeister.
Bobbitt.	Carpenter
Brady.	of Dallas.

Carter of Hays.	LeStourgeon.
Davenport.	McKean.
Dielmann.	Shearer.
Hardin	Shires.
of Kaufman.	Strickland.
Houston.	Thompson.
Hughes.	Wilmans.
Hull.	Wilson.
Lamb.	Winfree.

Mr. Patman moved that further consideration of the report be postponed until 10 o'clock a. m. next Monday.

Mr. Merriman moved to table the motion to postpone.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—70.

Amsler.	LeMaster.
Arnold.	Lusk.
Avis.	McBride.
Baker of Milam.	McNatt.
Baker of Orange.	Mathes.
Baldwin.	Maxwell.
Beasley.	Melson.
Bird.	Merriman.
Cable.	Montgomery.
Carson.	Moore.
Chitwood.	Morgan
Collins.	of Liberty.
Cowen.	Morgan
Culp.	of Robertson.
Dinkle.	Pate.
Downs.	Patterson.
Duffey.	Perdue.
Dunlap.	Potter.
Dunn.	Purl.
Edwards.	Rice.
Faubion.	Robinson.
Fugler.	Rogers.
Gipson.	Russell
Hardin of Erath.	of Callahan.
Harrington.	Sackett.
Harris.	Sanford.
Henderson	Satterwhite.
of Marion.	Smith.
Henderson	Stewart of Jasper.
of McLennan.	Stiernberg.
Howeth.	Sweet.
Irwin.	Turner.
Jacks.	Vaughan.
Jennings.	Westbrook.
Jones.	Wessels.
Kemble.	Williamson.
Lackey.	Young.
Laird.	

Nays—45.

Abney.	Carpenter
Atkinson.	of Matagorda.
Barker.	Carter of Coke.
Barrett.	Coffee.
Blount.	Covey.

Crawford.	Merritt.
Davis.	Miller.
DeBerry.	Patman.
Dodd.	Pinkston.
Driggers.	Price.
Durham.	Quinn.
Fields.	Rowland.
Finlay.	Russell of Trinity.
Frnka.	Simpson.
Greer.	Sparkman.
Hendricks.	Stell.
Johnson.	Stevens.
Lewis.	Stewart
Loftin.	of Edwards.
Looney.	Stewart of Reeves.
McDaniel.	Storey.
McDonald.	Stroder.
McFarlane.	Wallace.
Martin.	Wells.

Absent.

Bonham.	Pope.
Bryant.	Quaid.
Green.	Rountree.
Lane.	Teer.
Pool.	Thrasher.

Absent—Excused.

Bell.	Hughes.
Bobbitt.	Hull.
Brady.	Lamb.
Burmeister.	LeSturgeon.
Carpenter	McKean.
of Dallas.	Shearer.
Carter of Hays.	Shires.
Davenport.	Strickland.
Dielmann.	Thompson.
Hardin	Wilmans.
of Kaufman.	Wilson.
Houston.	Winfree.

Mr. Jones moved the previous question on the amendment, and Section 3 of the report, and the motion was duly seconded.

Yeas and nays were demanded and the motion for the previous question prevailed by the following vote:

Yeas—62.

Amsler.	Duffey.
Arnold.	Dunlap.
Baker of Milam.	Edwards.
Baker of Orange.	Faubion.
Baldwin.	Fugler.
Barrett.	Gipson.
Beasley.	Hardin of Erath.
Bird.	Henderson
Blount.	of Marion.
Carson.	Henderson
Carter of Coke.	of McLennan.
Cowen.	Howeth.
Dinkle.	Irwin.
Driggers.	Jacks.

Jennings.	Pate.
Jones.	Patterson.
Kemble.	Pinkston.
Lackey.	Potter.
Lane.	Price.
LeMaster.	Purl.
Lewis.	Quinn.
Lusk.	Robinson.
McBride.	Rogers.
McDonald.	Russell
McNatt.	of Callahan.
Mathes.	Sackett.
Maxwell.	Sanford.
Melson.	Satterwhite.
Merriman.	Smith.
Montgomery.	Stewart of Jasper.
Morgan	Sweet.
of Liberty.	Turner.
Morgan	Vaughan.
of Robertson.	Williamson.

Nays—53.

Abney.	Loftin.
Atkinson.	Looney.
Avis.	McDaniel.
Barker.	McFarlane.
Bonham.	Martin.
Cable.	Merritt.
Carpenter	Miller.
of Matagorda.	Moore.
Chitwood.	Patman.
Coffee.	Perdue.
Collins.	Rice.
Covey.	Rowland.
Crawford.	Russell of Trinity.
Culp.	Simpson.
Davis.	Sparkman.
DeBerry.	Stell.
Dodd.	Stevens.
Dunn.	Stewart
Durham.	of Edwards.
Fields.	Stewart of Reeves.
Finlay.	Storey.
Frnka.	Stroder.
Greer.	Wallace.
Harrington.	Wells.
Harris.	Westbrook.
Hendricks.	Wessels.
Johnson.	Young.
Laird.	

Absent.

Bryant.	Quaid.
Downs.	Rountree.
Green.	Stiernberg.
Pool.	Teer.
Popé.	Thrasher.

Absent—Excused.

Bell.	Davenport.
Bobbitt.	Dielmann.
Brady.	Hardin
Burmeister.	of Kaufman.
Carpenter	Houston.
of Dallas.	Hughes.
Carter of Hays.	Hull.

Lamb.
LeStourgeon.
McKean.
Shearer.
Shires.

Strickland.
Thompson.
Wilmons.
Wilson.
Winfree.

Question first recurring on the amendment by Mr. Stewart of Reeves, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—76.

Amsler.
Arnold.
Atkinson.
Avis.
Barker.
Barrett.
Bird.
Blount.
Bonham.
Bryant.
Carpenter
of Matagorda.
Carson.
Carter of Coke.
Chitwood.
Coffee.
Collins.
Covey.
Crawford.
Davis.
DeBerry.
Dodd.
Downs.
Driggers.
Duffey.
Dunlap.
Dunn.
Durham.
Fields.
Finlay.
Frnka.
Fugler.
Greer.
Harris.
Hendricks.
Howeth.
Irwin.
Jennings.
Laird.
Lane.

LeMaster.
Loftin.
Lusk.
McBride.
McDaniel.
McDonald.
McFarlane.
Martin.
Merritt.
Miller.
Moore.
Morgan
of Liberty.
Patman.
Perdue.
Price.
Purl.
Quinn.
Rice.
Rogers.
Rowland.
Russell of Trinity.
Simpson.
Sparkman.
Stell.
Stevens.
Stewart
of Edwards.
Stewart of Jasper.
Stewart of Reeves.
Stiernberg.
Storey.
Stroder.
Turner.
Vaughan.
Wallace.
Wells.
Wessels.
Young.

Nays—41.

Abney.
Baker of Milam.
Baker of Orange.
Baldwin.
Beasley.
Cable.
Cowen.
Dinkle.
Edwards.
Faubion.

Gipson.
Hardin of Erath.
Harrington.
Henderson
of Marion.
Henderson
of McLennan.
Jacks.
Johnson.
Jones.

Kemble.
Lackey.
Lewis.
Looney.
McNatt.
Mathes.
Maxwell.
Melson.
Montgomery.
Morgan
of Robertson.
Pate.
Patterson.

Pinkston.
Potter.
Robinson.
Russell
of Callahan.
Sackett.
Sanford.
Satterwhite.
Smith.
Sweet.
Westbrook.
Williamson.

Absent.

Culp.
Green.
Merriman.
Pool.
Pope.
Quaid.

Rountree.
Shearer.
Shires.
Teer.
Thrasher.

Absent—Excused.

Bell.
Bobbitt.
Brady.
Burmeister.
Carpenter
of Dallas.
Carter of Hays.
Davenport.
Dielmann.
Hardin
of Kaufman.

Houston.
Hughes.
Hull.
Lamb.
LeStourgeon.
McKean.
Strickland.
Thompson.
Wilmons.
Wilson.
Winfree.

Mr. Patman offered the following amendment to the report:

Amend report by striking out Section 4.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—71.

Abney.
Arnold.
Baldwin.
Barrett.
Blount.
Cable.
Carpenter
of Matagorda.
Carson.
Carter of Coke.
Chitwood.
Coffee.
Covey.
Cowen.
Crawford.
DeBerry.
Dodd.
Downs.
Driggers.

Duffey.
Dunlap.
Dunn.
Fields.
Finlay.
Frnka.
Fugler.
Greer.
Hardin of Erath.
Harrington.
Harris.
Henderson
of McLennan.
Hendricks.
Howeth.
Johnson.
Laird.
LeMaster.
Lewis.

Loftin.	Sanford.
Looney.	Simpson.
Lusk.	Sparkman.
McBride.	Stell.
McDaniel.	Stevens.
McDonald.	Stewart
McFarlane.	of Edwards.
Martin.	Stewart of Jasper.
Merritt.	Stewart of Reeves.
Moore.	Storey.
Morgan	Stroder.
of Liberty.	Turner.
Patman.	Vaughan.
Potter.	Wallace.
Price.	Wells.
Purl.	Westbrook.
Rice.	Wessels.
Rowland.	Young.
Russell of Trinity.	

Nays—42.

Amsler.	Lackey.
Avis.	Lane.
Baker of Milam.	McNatt.
Baker of Orange.	Mathes.
Beasley.	Merriman.
Bird.	Miller.
Bonham.	Montgomery.
Bryant.	Morgan
Collins.	of Robertson.
Culp.	Pate.
Davis.	Patterson.
Dinkle.	Perdue.
Durham.	Pinkston.
Edwards.	Quinn.
Faubion.	Robinson.
Gipson.	Russell
Henderson	of Callahan.
of Marion.	Sackett.
Irwin.	Satterwhite.
Jacks.	Smith.
Jennings.	Sweet.
Jones.	Williamson.
Kemble.	

Absent.

Atkinson.	Quaid.
Barker.	Rogers.
Green.	Rountree.
Maxwell.	Stiernberg.
Melson.	Teer.
Pool.	Thrasher.
Pope.	

Absent—Excused.

Bell.	Hughes.
Bobbitt.	Hull.
Brady.	Lamb.
Burmeister.	LeSturgeon.
Carpenter	McKean.
of Dallas.	Shearer.
Carter of Hays.	Shires.
Davenport.	Strickland.
Dielmann.	Thompson.
Hardin	Wilmans.
of Kaufman.	Wilson.
Houston.	Winfree.

Mr. Henderson of McLennan moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Question then recurring on the report as amended, it was adopted.

Mr. Henderson of McLennan moved to reconsider the vote by which the report was adopted, and to table the motion to reconsider.

The motion to table prevailed.

STANDING COMMITTEES.

The Speaker announced appointment of the following standing committees of the House:

Appropriations.

Messrs. Quaid, Chairman; Henderson of Marion, Vice-Chairman; Bonham, Potter, Thrasher, Edwards, Mathes, Wallace, Sanford, Satterwhite, Faubion, Russell of Trinity, Rountree, Moore, Dunn, Baker of Milam, McDonald, Blount, Dunlap, Hardin of Erath, McKean.

Agriculture.

Messrs. Westbrook, Chairman; Cable, Vice-Chairman; Howeth, Stell, Thompson, Sparkman, Rice, Carter of Hays, Pinkston, Merritt, Stroder, Barrett, LeSturgeon, McBride, Avis, Melson, Bryant, McKean, Davis, Covey, Amsler.

Banks and Banking.

Messrs. Blount, Chairman; Houston, Vice-Chairman; Vaughan, Loftin, Carson Hughes, LeMaster, Bell, Downs, Sackett, Dielmann, Irwin, Lackey, Hardin of Erath, Melson, Jacks, Kemble, Montgomery, Greer, Stewart of Edwards, Carpenter of Dallas.

Claims and Accounts.

Messrs. Smith, Chairman; McKean, Vice-Chairman; Hughes, Stewart of Jasper, Blount, Wallace, Arnold, Carter of Coke, Fields.

Commerce and Manufactures.

Messrs. Carpenter of Dallas, Chairman; Edwards, Vice-Chairman; Durham, Sweet, Chitwood, Jacks, Lewis, McNatt, Potter, Sparkman, Moore.

Common Carriers.

Messrs. Rogers, Chairman; Crawford, Vice-Chairman; Potter, Winfree,

Purl, Westbrook, Shires, DeBerry, Lewis, Mrs. Wilmans, Laird, Turner, Houston, Wessels, Williamson, Storey, Simpson, Fugler, Bryant, Johnson, Bird.

Conservation and Reclamation.

Messrs. Rountree, Chairman; Maxwell, Vice-Chairman; Frnka, Morgan of Liberty, Gipson, Hendricks, Baker of Orange, Montgomery, Wells, Moore, Dunn, Shearer, Baker of Milam, DeBerry, Amsler, Stewart of Reeves, Dunlap, Jacks, Carpenter of Matagorda, McKean, Kemble.

Constitutional Amendments.

Messrs. Bell, Chairman; Bryant, Vice-Chairman; Culp, Burmeister, Davenport, Hendricks, Stevens, Driggers, Looney, Fields, Quaid, Young, Baker of Milam, Blount, Abney, Gipson, Green, Montgomery, Coffee, Merritt, Rountree.

Contingent Expenses.

Messrs. Moore, Chairman; Stewart of Jasper, Vice-Chairman; Faubion, Barker, Stevens.

Counties.

Messrs. Quinn, Chairman; Abney, Vice-Chairman; Crawford, Carter of Hays, Adams, Barrett, Carson, Covey, Storey, Mrs. Wilmans, Wilson.

Criminal Jurisprudence.

Messrs. Henderson of McLennan, Chairman; Harrington, Vice-Chairman; Carter of Coke, Stiernberg, Miller, Patterson, Morgan of Robertson, Bell, Jones, Coffee, Robinson, Patman, Jacks, Shires, Edwards, Gipson, Bobbitt, Wilson, Abney, Baker of Orange, Lewis.

Education.

Messrs. Chitwood, Chairman; Greer, Vice-Chairman; Fugler, Dinkle, Green, Morgan of Robertson, Laird, Young, Barrett, Dielmann, Lane, Dodd, McBride, Amsler, Bobbitt, Harris, Edwards, Mrs. Wilmans, Teer, McFarlane, Durham.

Engrossed Bills.

Messrs. Dinkle, Chairman; Price, Vice-Chairman; Sanford, Sparkman, Jennings.

Enrolled Bills.

Messrs. Hendricks, Chairman; Morgan of Liberty, Vice-Chairman; Morgan of Robertson, Wells, Stiernberg.

Examination of Comptroller's and Treasurer's Accounts.

Messrs. Coffee, Chairman; Downs,

Vice-Chairman; Dinkle, Houston, LeMaster, Lusk, Williamson, Cowen, Collins, Harrington, Durham.

Federal Relations.

Messrs. Laird, Chairman; Stewart of Edwards, Vice-Chairman; Mathes, Wessels, Stroder, Rowland, Russell of Trinity, Stell, Price, Thompson, Turner.

Game and Fisheries.

Messrs. Faubion, Chairman; Carpenter of Matagorda, Vice-Chairman; Vaughan, Stell, Storey, Sanford, Teer, Finlay, Sparkman, Shearer, Looney, Barker, Harris, Avis, Carter of Hays, Davenport, Downs, Hardin of Erath, Amsler, Hughes, Lamb.

Insurance.

Messrs. Baker of Milam, Chairman; Kemble, Vice-Chairman; Henderson of McLennan, Morgan of Liberty, Purl, Carpenter of Matagorda, Bell, Smith, Teer, Sackett, Shires, LeSturgeon, Moore, Adams, Collins, Quinn, Hardin of Kaufman, Bird, Melson, Wallace, Pool.

Judicial Districts.

Messrs. Bonham, Chairman; Simpson, Vice-Chairman; McFarlane, Green, Loftin, Montgomery, Storey, Jennings, Strickland, Carpenter of Dallas, Frnka.

Labor.

Messrs. LeSturgeon, Chairman; Culp, Vice-Chairman; Howeth, Crawford, Davenport, Carter of Hays, Dodd, Brady, Merriman, Turner, Bird, Rogers, Stroder, Rice, Strickland, Davis, Duffey, McDonald, LeMaster, Jennings, McBride.

Live Stock and Stock Raising.

Messrs. Stewart of Reeves, Chairman; Carter of Coke, Vice-Chairman; Pinkston, Stell, Carson, Burmeister, Williamson, Durham, Strickland, Sackett, Finlay, Sparkman, Stevens, Cable, Lackey, Bobbitt, Covey, McDaniel, Stewart of Edwards, Quaid, Stewart of Jasper.

Liquor Traffic.

Messrs. Thrasher, Chairman; Miller, Vice-Chairman; McNatt, Laird, Lusk, Sparkman, McDonald, Looney, Patman, Barker, McKean, Green, Pinkston, Shires, Stiernberg, Wells, Young, Abney, Baldwin, Beasley, Cable.

Military Affairs.

Messrs. Mathes, Chairman; Pate, Vice-Chairman; Purl, Hendricks, Le-

Sturgeon, Stewart of Edwards, Fugler, Harris, McFarlane, DeBerry, Green.

Oil, Gas and Mining.

Messrs. Gipson, Chairman; Patterson, Vice-Chairman; Loftin, Williamson, Lamb, Russell of Callahan, Coffee, Storey, Baker of Orange, Quinn, Merriman, McDaniel, Bird, McFarlane, Burmeister, Mrs. Wilmans, Morgan of Liberty, Harrington, Johnson, Hull, Strickland.

Municipal and Private Corporations.

Messrs. Johnson, Chairman; Hull, Vice-Chairman; Vaughan, Thrasher, Arnold, Lamb, Hendricks, Turner, Fields, Jacks, Kemble, Carter of Coke, Duffey, Dodd, Dunn, Frnka, Perdue, Irwin, Jennings, Martin, Robinson.

Penitentiaries.

Messrs. Teer, Chairman; Winfree, Vice-Chairman; Stiernberg, Beasley, Wallace, Chitwood, Faubion, Pate, Cowen, Martin, Russell of Callahan, Carter of Coke, Sanford, Russell of Trinity, Collins, Culp, Satterwhite, Rowland, Dunlap, Edwards, Lackey.

Privileges, Suffrage and Elections.

Messrs. Baldwin, Chairman; Shires, Vice-Chairman; Bonham, Bryant, Wilson, Lane, Duffey, Houston, Sweet, Adams, Carpenter of Matagorda, Pool, Collins, Hendricks, Hull, Irwin, Martin, Merritt, Miller, Morgan of Robertson, Sanford.

Public Health.

Messrs. Shearer, Chairman; Dodd, Vice-Chairman; Dinkle, Johnson, Mrs. Wilmans, Davenport, Hull, Baldwin, Rice, Lane, Westbrook, Maxwell, Brady, Hardin of Erath, Driggers, Hardin of Kaufman, Greer, Miller, Stewart of Reeves, Looney, Mathes.

Public Lands and Buildings.

Messrs. Fugler, Chairman; Barker, Vice-Chairman; Carson, Chitwood, Lusk, Baldwin, Westbrook, Wells, Wessels, McDaniel, Pinkston, Sweet, Atkinson, Stroder, Wilson, Stewart of Edwards, Perdue, Finlay, Frnka, Amsler, Rowland.

Public Printing.

Messrs. Brady, Chairman; Pinkston, Vice-Chairman; Davenport, Lamb, Russell of Trinity, Robinson, Turner, Cowen, Culp, Davis, Fields.

Revenue and Taxation.

Messrs. Lackey, Chairman; Melson, Vice-Chairman; LeSturgeon, Culp, Johnson, Looney, Young, Smith, Satterwhite, Simpson, Rountree, Cable, Maxwell, Baker of Orange, Merriman, Fields, Price, Atkinson, Mathes, LeMaster, Stevens.

Roads, Bridges and Ferries.

Messrs. Sackett, Chairman; Williamson, Vice-Chairman; Fugler, McNatt, Green, Johnson, Burmeister, Harrington, Stewart of Reeves, Jones, Downs, Teer, Russell of Callahan, Collins, Baker of Milam, Henderson of Marion, Sanford, Merriman, Lusk, Perdue, Pool.

State Affairs.

Messrs. Patman, Chairman; Dunn, Vice-Chairman; Baldwin, Moore, Shearer, Brady, Quaid, Pinkston, Barker, Rogers, Sweet, Carpenter of Matagorda, Arnold, Beasley, Henderson of Marion, McKean, Montgomery, Pate, Patterson, Wessels, Wells.

State Eleemosynary and Reformatory Institutions.

Messrs. Beasley, Chairman; Wallace, Vice-Chairman; Winfree, Lewis, Chitwood, Sparkman, Russell of Trinity, Irwin, Avis, Stewart of Jasper, Atkinson, Collins, Cowen, Hardin of Kaufman, Baker of Orange, Bird, Dielmann, Driggers, Adams, Harrington, Lane.

HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

By Mr. Hendricks and Mr. Moore:

H. J. R. No. 10, To ascertain and carry out the will of the people relative to the calling and holding of a constitutional convention.

BILL RE-REFERRED.

On motion of Mr. Gipson, House bill No. 76 was withdrawn from the Judiciary Committee and referred to the Committee on Judicial Districts.

ADJOURNMENT.

On motion of Mr. Jones, the House, at 3:40 o'clock p. m., adjourned until 10 o'clock a. m. next Monday.